

House Resolution 123 - Introduced

HOUSE RESOLUTION NO. 123

BY GRASSLEY, UPMEYER, ALONS, ANDERSON, BACON,
BALTIMORE, BAUDLER, BEARINGER, BRANDENBURG, BYRNES,
COSTELLO, COWNIE, DEYOE, DOLECHECK, DRAKE, DUNKEL,
FISHER, FORBES, FORRISTALL, GASSMAN, GUSTAFSON,
HAGENOW, HANUSA, HEARTSILL, HEATON, HEIN, HESS,
HIGHFILL, HUNTER, HUSEMAN, JORGENSEN, KAUFMANN,
KEARNS, KELLEY, KLEIN, KOESTER, LANDON, LOFGREN,
MAXWELL, H. MILLER, L. MILLER, MOORE, MUHLBAUER,
S. OLSON, PAULSEN, PETTENGILL, RAYHONS, RIDING,
ROGERS, RUFF, SALMON, SANDS, SCHULTZ, SHAW, SHEETS,
J. SMITH, SODERBERG, STANERSON, STUTSMAN, R.
TAYLOR, THOMAS, VANDER LINDEN, WATTS, WINDSCHITL,
WOOD, and WORTHAN

1 A Resolution requesting that all necessary and
2 immediate action be taken by the State of
3 California, the United States Congress, the United
4 States Attorney General, state legislatures, state
5 governors, and state attorneys general to effectuate
6 the repeal of California legislation enacted as AB
7 1437 that unconstitutionally infringes upon the
8 Commerce Clause of the Constitution of the United
9 States to the detriment of this nation's consumers
10 and farmers.

11 WHEREAS, in 2008, California voters approved
12 Proposition 2, a ballot initiative that prohibits
13 California farmers from employing a number of
14 agricultural production methods in widespread use
15 throughout the United States, including the use of
16 industry standards used in egg production; and

1 WHEREAS, in 2010, in response to the proposition
2 which would have placed California in a competitive
3 disadvantage by increasing the cost of egg production
4 within that state, the California State Legislature
5 enacted AB 1437 which requires other states to comply
6 with California's standards in order to continue to
7 market eggs in that state; and

8 WHEREAS, Section 25996 of the California Health and
9 Safety Code states that commencing January 1, 2015, a
10 shelled egg cannot be sold or contracted to sell for
11 human consumption in California if the egg was produced
12 on a farm not meeting California standards; and

13 WHEREAS, the effect of California's legislation is
14 to increase consumer prices, create financial hardship
15 on low-income families, and deny egg farmers their
16 right to access the nation's markets; and

17 WHEREAS, the "Commerce Clause," Article I,
18 Section 8 of the Constitution of the United States
19 provides in relevant part, that "Congress shall have
20 Power... [t]o regulate commerce... among the several
21 States..."; which has established a free trade zone now
22 encompassing fifty states, the District of Columbia,
23 and the territories of the United States; and

24 WHEREAS, the Commerce Clause is an enumerated power
25 granted to Congress and is also a restriction imposed
26 on states from enacting legislation that places an
27 undue burden on interstate commerce; and

28 WHEREAS, in Federalist No. 11, Alexander Hamilton
29 understood that "a free circulation of the commodities"
30 among the states constituted a vital component of this

1 nation's prosperity; and

2 WHEREAS, since 1824, in the landmark decision
3 Gibbons v. Ogden, 22 U.S. (9 Wheat.) 1 (1824), the
4 United States Supreme Court has found that states
5 are limited in their ability to burden interstate
6 commerce; and

7 WHEREAS, since then the principle has been long
8 respected that the Commerce Clause bars states from
9 erecting trade barriers that would otherwise inevitably
10 lead to interstate trade wars, incite retaliation among
11 the states, and ultimately irreparably injure our
12 federal union; and

13 WHEREAS, on February 3, 2014, the Honorable Chris
14 Koster, Attorney General of the State of Missouri,
15 brought suit in the United States District Court in the
16 Eastern District of California, Fresno Division, asking
17 the court to declare the California statute invalid,
18 including as a violation of the Commerce Clause; and

19 WHEREAS, the Honorable Terry E. Branstad, Governor
20 of the State of Iowa, together with the attorneys
21 general of the states of Alabama, Nebraska, and
22 Oklahoma, and the attorney general of the Commonwealth
23 of Kentucky have joined with the State of Missouri in
24 this case; NOW THEREFORE,

25 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
26 That the State of California immediately repeal
27 all unconstitutional provisions enacted in AB 1437,
28 including Section 25996 of the California Health and
29 Safety Code; and

30 BE IT FURTHER RESOLVED, That all necessary and

1 immediate action be taken by the United States
2 Congress, the United States Attorney General, state
3 legislatures, state governors, and state attorneys
4 general to ensure the repeal of all unconstitutional
5 provisions enacted in AB 1437, including Section 25996
6 of the California Health and Safety Code; and
7 BE IT FURTHER RESOLVED, That a copy of this
8 resolution shall be transmitted to the Honorable Ellen
9 M. Corbett, Majority Leader, California State Senate;
10 the Honorable John A. Perez, Speaker of the Assembly,
11 California State Assembly; the Honorable Joseph R.
12 Biden, Jr., President of the United States Senate;
13 the Honorable John A. Boehner, Speaker of the United
14 States House of Representatives; the Honorable Debbie
15 Stabenow, Chairwoman of the Committee on Agriculture,
16 Nutrition, and Forestry of the United States Senate;
17 the Honorable Frank Lucas, Chairman of the Committee
18 on Agriculture of the United States House of
19 Representatives; each member of the Iowa congressional
20 delegation; the Honorable Eric H. Holder, Jr., Attorney
21 General of the United States; the Honorable Tom
22 Vilsack, Secretary of Agriculture of the United States;
23 the Honorable Terry E. Branstad, Governor of the State
24 of Iowa; the Honorable Tom Miller, Attorney General
25 of the State of Iowa; the Honorable Luther Strange,
26 Attorney General of the State of Alabama; the Honorable
27 Jack Conway, Attorney General of the Commonwealth of
28 Kentucky; the Honorable Chris Koster, Attorney General
29 of the State of Missouri; the Honorable Jon Bruning,
30 Attorney General of the State of Nebraska; and the

1 Honorable E. Scott Pruitt, Attorney General of the
2 State of Oklahoma; and

3 BE IT FURTHER RESOLVED, That a copy of this
4 resolution shall be transmitted to the Council of State
5 Governments, the National Governors Association, and
6 the National Association of Attorneys General.